

Washington, D.C. 20505

24 September 1980

Honorable Don Edwards, Chairman
Subcommittee on Civil and Constitutional Rights
Committee on the Judiciary
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing out of concern over what I consider to be a gross distortion of my testimony on the Intelligence Identities Protection Act which appears in the dissenting views section of the Judiciary Committee's report on H.R. 5615. On page 16 of House Report 96-1219, Part 2, my testimony is quoted in support of the proposition that section 501(c) of H.R. 5615 is unnecessary because it attacks a "phantom problem." I must protest this use of an out of context excerpt from my testimony to support a proposition diametrically opposed to my views and to the position of the Agency and the Administration on this issue. Contrary to the assertion made in the dissenting views section of the report, the Agency and the Administration have consistently supported, indeed have insisted upon, the broader coverage contained in subsection 501(c) of H.R. 5615 as reported first by the House Permanent Select Committee on Intelligence and subsequently by the Committee on the Judiciary.

In my testimony, and the testimony of other Agency officials on H.R. 5615, we have tried to explain that access to classified information is not always required to identify "covert agents." We have also pointed out that there is no official unclassified listing which identifies undercover CIA officers. Consistent with the need to establish and maintain cover to conceal intelligence affiliations, however, the names of intelligence officers do appear in various unclassified documents, but they are not identified therein as intelligence officers. Thus, while the intelligence relationships that H.R. 5615 seeks to protect are classified, the fact remains that unclassified sources can be sufficient to make accurate identifications

of "covert agents" when used in combination with additional specialized knowledge of indicators of intelligence affiliation disclosed by faithless former government employees, and additional counterintelligence-type information gathering techniques such as physical surveillance.

It is particularly distressing that the misrepresentation of my testimony which appears in the dissenting views section of House Report 96-1219, Part 2, occurred subsequent to transmittal of a full explanation of our position on this precise issue via a letter from Admiral Turner to Chairman Rodino dated 2 September 1980. This letter was made available to all Judiciary Committee Members.

Admiral Turner and I have repeatedly stated our conviction that a statute too limited in its coverage, that could easily be circumvented, or which would go unenforced because of unmeetable burdens of proof, would be counterproductive because it would purport to provide a solution to the serious problem of unauthorized disclosures of intelligence identities without actually doing so. Section 501(c) of H.R. 5615 is vital if the Intelligence Identities Protection Act is to be a meaningful piece of legislation.

Sincerely,

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Frank C. Carlucci

cc: Honorable Peter W. Rodino, Chairman
Committee on the Judiciary

Honorable Robert McClory, Ranking
Minority Member
Committee on the Judiciary

Honorable Henry J. Hyde, Ranking
Minority Member
Subcommittee on Civil and Constitutional
Rights
Committee on the Judiciary